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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2094 OF 2005
IN
CHAMBER SUMMONS NO.612 OF 2005
IN
S.C. SUIT NO.1377 OF 2004

Sadanand Raju Shetty)..Plaintiff

Versus

Kishanchand U. Khemani and others)..Defendants

Mr.Pradip R. Kadam for the Plaintiff.

Ms.Dipti Gandhi i/b.M/s.AZB & Partners for Defendant No.1.

Mr.B.M. Shaikh for Defendant No.5.

Mr.M.M. Vaidya for Defendant No.6.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH MARCH 2006

P.C.:

. This Motion has been taken out for restoration of Chamber Summons No.612 of 2005 which was dismissed for default on 15th June 2005. Affidavit of the Plaintiff has been filed in support of the Motion wherein it has been stated that the Clerk for the Advocate missed the matter on the board and, therefore, the Advocate could not attend the matter.

2. Defendant No.5 opposes the Motion. The

contention is that the Motion is time barred and the delay in taking out the Motion is not explained. All other Defendants submit to the orders of the Court.

3. In my view, all these factors have been explained adequately in the affidavit in support of the Motion. The Plaintiff has shown good and sufficient cause for restoring the Chamber Summons.

4. Notice of Motion made absolute in terms of prayers (a) and (b) of the Motion on condition that the Plaintiff deposits costs of Rs.3,000/- (Rupees Three thousand only) with the Maharashtra State Legal Services Authority within one week from today.

5. Notice of Motion disposed of accordingly.